

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERALD ACKERMAN and  
MARK SHAYKIN,

Plaintiffs,

v.

Civil Case No. 13-14137  
Honorable Linda V. Parker

HEIDI WASHINGTON,

Defendant.

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**JUDGMENT**

Plaintiffs filed this class action lawsuit on September 27, 2013, asserting that the vegan diet they receive as Michigan Department of Corrections prisoners approved for a religious (kosher) diet violates their First Amendment rights and their rights under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). Plaintiffs claim that their sincere religious beliefs require them to consume kosher meat and dairy on the Sabbath and four Jewish holidays and that the vegan diet is not kosher due to cross-contamination.

The Class is comprised of:

[A]ll current and future prisoners in Defendant’s custody who: (a) request, in writing, a religious diet (Kosher meals); and (b) either (i) were, as of September 1, 2019, designated or identified in Defendant’s records as being Jewish, or (ii) enter Defendant’s custody for the first time after September 1, 2019 and designate or identify

themselves as being Jewish upon admission to Defendant's custody.

(Settlement Agreement at 2, ECF No. 213 at Pg ID 2177, footnote omitted). The Court also has certified a Sub-Class consisting of:

[A]ll Jewish individuals confined with the Michigan Department of Corrections who meet the requirements of the main class AND who have a sincere religious belief, which is seriously held, that they are to consume Certified Kosher meat and dairy on each of the Sabbaths and the following four Jewish holidays: Rosh Hashanah, Yom Kippur, Sukkot, and Shavuot.

(Stip. Order, ECF No. 201, capitalization in original.)

The parties settled Plaintiffs' "cross-contamination claim" (Settlement Agreement, ECF No. 213) and the Court entered a final order approving the settlement on January 29, 2020. (Op. & Order, ECF No. 241.) Plaintiffs' "meat and dairy claim" proceeded to a trial before the Court. On January 30, 2020, the Court entered a decision finding in favor of Plaintiffs and against Defendant on that claim. (Bench Op., ECF No. 243.)

Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED** that the terms of the parties' Settlement Agreement with respect to the cross-contamination claim are incorporated herein.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that:

(a) The mechanism agreed to by the parties in the

Settlement Agreement to assess an inmate's religious beliefs, as modified by the Court's January 29, 2020 decision granting final approval of the agreement, shall be used to also determine whether an inmate is eligible for kosher meat and dairy products as set forth herein.

(b) Defendant shall provide the Sub-Class with kosher meat and dairy products on the Sabbath (defined as sundown on Friday until sundown on Saturday) and the Jewish holidays of Rosh Hashanah, Yom Kippur, Sukkot, and Shavuot, as those holidays are designated on the Jewish calendar.

(c) Defendant also shall provide the Sub-Class with kosher cheesecake on Shavuot.

(d) The kosher meat and dairy products shall be provided to the Sub-Class at different meals and shall not require re-heating or re-cooking.

(e) If the kosher meat or dairy products are provided by an outside vendor, they shall be sealed, double wrapped, and contain reliable markings indicating their kosher certification. If Defendant provides kosher meat or dairy products prepared inside Defendant's facilities, the products must be prepared in a certified kosher kitchen. The terms of the Settlement Agreement with respect to certification of the kosher kitchen (Settlement Agreement ¶ 14, ECF No. 213 at Pg ID 2179-80) apply here.

(f) The quantity of the kosher meat and dairy products provided to the Sub-Class shall be of a quantity comparable to the meat and dairy products served to all other prisoners, such that the quantity is sufficient to constitute a meal under the dietary guidelines Defendant

follows.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: February 27, 2020